

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

On July 18, 2012, the Magistrate Judge filed a Report and Recommendation (#25), recommending that Plaintiff's first amended complaint (#19) should proceed on the eighth amendment deliberate indifference to medical needs claim in Counts I-III as to defendants Neighbors, Durante, Pierson, Oksonhald, and Zookowski, and that Counts IV-VIII be dismissed with prejudice. No objections have been timely filed to the Report and Recommendation (#25). The Magistrate Judge found that Counts IV through VIII do not contain cognizable causes of action or are duplicative of previous claims.

IT IS, THEREFORE, HEREBY ORDERED that the Report & Recommendation (#25) screening Plaintiff's first amended complaint (#19) is APPROVED AND ADOPTED. Plaintiff's first amended complaint (#19) may proceed on the eighth amendment deliberate indifference to medical needs claim in Counts I-III as to defendants Neighbors,

1 Durante, Pierson, Oksonhald, and Zookowski. Counts IV-VIII are  
2 **DISMISSED WITH PREJUDICE.**

3 **IT IS FURTHER ORDERED** that the Clerk of the Court shall issue  
4 summons to defendants herein and deliver same to the U.S. Marshal  
5 for service. The Clerk shall send Plaintiff sufficient copies of  
6 the first amended complaint (#19) and service of process forms (USM-  
7 285) for each defendant. Plaintiff shall have twenty (20) days from  
8 the date of this Order in which to furnish the U.S. Marshal the  
9 required forms USM-285. Within twenty (days) after receiving from  
10 the U.S. Marshal a copy of the USM-285 form showing whether service  
11 has been accomplished, Plaintiff shall file a notice with the court  
12 identifying which defendants were served and which were not served,  
13 if any. If Plaintiff wishes to have service again attempted on any  
14 unserved defendant, then a motion must be filed with the court  
15 identifying the unserved defendant(s) and specifying a more detailed  
16 name and/or address for said defendant, or whether some other manner  
17 of service should be attempted. Plaintiff is reminded that,  
18 pursuant to Rule 4(m) of the Federal Rules of Civil Procedure,  
19 service must be accomplished within one hundred twenty (120) days of  
20 the date of this Order.

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23 DATED: September 25, 2012.

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UNITED STATES DISTRICT JUDGE